



City Council
Atlanta, Georgia

02-0-2181

AN ORDINANCE

Z-02-89

AS AMENDED BY ZONING COMMITTEE DATED FILED: 11-12-02

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **3714 Peachtree Road, N.E./3705 Vermont Road, N.E. and 3718-3730 (aka 3724) Peachtree Road, N.E.** be changed from the **RG-2 (Residential General-Sector 2) and R-3 (Single-Family Residential)** Districts, to the **RG-3-C (Residential General-Sector 3-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **10** of the **17th** District, **Fulton** County, Georgia being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

MAR 03, 2003
MAR 11, 2003



Conditions for Z-02-89

1. The attached document identified as Exhibit A, consisting of two (2) pages and titled "Canterbury Court, Zoning Conditions" is hereby considered a condition of this rezoning and its provisions shall be enforced as such.
2. The attached document identified as Exhibit B, consisting of one (1) page and titled "Canterbury Court, Additional Zoning Conditions" is hereby considered a condition of this rezoning and its provisions shall be enforced as such.
3. *The attached letter dated February 26, 2003 from the Brookhaven Club Neighborhood Association is hereby considered a condition of the rezoning and its provisions shall be enforced as such.*

RCS# 4510
3/03/03
2:43 PM

Atlanta City Council

Regular Session

02-O-2181 Rezone 3714 P'tree Rd/3705 Vermont Rd.
3718-3730 P'tree Rd; RG-2/R-3 to RG-3-C
ADOPT AS AMEND

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

02-O-2181

Canterbury Court

Z-02-89

Exhibit A

ZONING CONDITIONS

Page 1 of 2

1. Vertical Height of Building.

The Building shall not exceed nine (9) stories, as measured from grade level at the front of the building. The ground level garage that will be entered from the rear only shall not be included in the nine stories. The total elevation of the new construction, calculated from the first floor elevation of the existing building shall not exceed the height of 96' 10".

2. Building Appurtenances.

All HVAC components, back-up generators servicing the Buildings on the site shall be and encased in a sound absorbent structure and shall be concealed from view. Other structures, such as cell phone towers, satellite dishes, etc. that can be seen are prohibited.

3. Vertical Height of Parking Deck and Patio.

Underground parking deck and the landscaped roof top patio shall not exceed one story, with the exception of a landscaped upper roof top patio approximately 60 feet by 90 feet that aligns with the 2nd floor level, and is set back approximately 100 feet from the northwest end of the main roof top patio and approximately 20 feet from the southwest edge of the rooftop patio. All exposed exterior walls of the parking deck shall be faced with materials and general architectural detail consistent with the Building.

4. Exterior Lighting.

Exterior lighting shall not trespass onto adjoining properties, fencing or walls. Lamp Posts shall be of minimum height to minimize light spillage. A light study shall be conducted and shared with Brookhaven Civic Neighborhood Association ("BCNA"), whose recommendations shall be followed.

5. Sewer Capacity.

No building permit may be issued for the proposed buildings until: 1) the City of Atlanta has confirmed that adequate sewer capacity exists and 2) all state, federal and local requirements regarding the certification of such adequacy have been followed.

6. Storm Water Runoff.

Storm Water Runoff shall be routed so not to affect Vermont Road. A hydrology analysis/study shall be performed on changes in drainage patterns and runoff volume due to increased impervious surface. All necessary steps shall be taken to prevent any increase in runoff volumes using study recommendations, on site underground retention and on site bogs.

7. Green space.

The area that was originally zoned R-3 will remain as green space with no permanent structures erected. Canterbury Court shall, in good faith, apply for a conservation easement that covers this R-3 area. If its good faith application for a conservation easement is denied, Canterbury Court shall not be guilty of a zoning violation. Walking paths created shall be no closer than 25 feet from the Vermont Road homes rear property lines.

8. Tree Save.

Applicant shall provide a copy of its Tree Save Survey and Tree Replacement Plan to the BCNA Zoning Committee Chair concurrent with the filing of the original with the governmental authorities. All existing mature trees in the Rear Buffer shall be saved. Tree fencing to be placed around drip edge of trees during construction that are near and/or affected by construction, construction vehicles, and building materials. Applicant shall use diligent and best efforts to save all other trees that are not in the footprint of a building structure, parking area, utility location or other site improvements.

9. Fencing.

A solid 6-foot high brick wall shall extend from the corner of Peachtree and Vermont, down Vermont, and turning to follow along the southern boundary line of the first home located at 3717 Vermont Road. It shall then turn and continue to the rear southeast corner boundary of the property located at 3717 Vermont Road. A painted black or green chain link fence shall be erected on the remaining rear property lines of adjacent homes on Vermont Road. The chain link fencing along the rear of properties fronting on Vermont Road shall be set inside the Canterbury property line 10 feet and heavily landscaped on both sides of fence in accordance with Item 10 below. If mature trees interrupt the fence line, the fence shall be diverted around those trees. On the remaining property boundaries, a black or green chain link fence shall be erected.

10. Landscaping along Brick Walls and Fencing.

Landscape trees shall be Magnolias or other broadleaf evergreen, October Glory, Red Sunset Maples, and Shumard and/or Willow Oaks, or other trees mutually agreed upon by BCNA and Canterbury Court's landscape architect. Landscape trees shall be no less than 8 feet tall. Landscape trees shall be planted every 12 feet along the solid brick wall. In addition, mixed floral and evergreen shrubbery shall be planted between trees along the solid brick wall and on both sides of chain link fencing. Applicant shall diligently commence the landscaping before a request for a certificate of occupancy for the Building.

11. Construction Staging.

All staging of construction traffic shall be on site on the Peachtree side or on Peachtree. No construction staging along interior neighborhood streets. No construction parking along interior neighborhood streets.

12. Administrative Modifications.

The Property Owner shall provide a minimum of five (5) days advance written notice to the BCNA Zoning Committee of requests for any administrative modifications.

13. Service Areas.

Trash Receptacles and Pickup shall be limited to the service area noted on this site plan.

14. Commencement of Grading.

No grading or other land disturbance activities shall be conducted until a building permit has been issued for the proposed buildings and the City of Atlanta has confirmed that sewer and storm drain facilities are available to the site.

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Exhibit A

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Canterbury Court

ADDITIONAL ZONING CONDITIONS

1. (Clairfication of Item 5) No building permit (other than a permit limited to grubbing, grading, the installation of new or changes in modifications to existing site infrastructure, including alteration of existing interior roadways) shall be issued permitting the construction of any buildings without written assurance from the City of Atlanta's Commissioner of Public Works that sewer capacity is available and reserved for the site, or will be available to and reserved for the site prior to the completion of construction. Under no circumstances will a Certificate of Occupancy or temporary Certificate of Occupancy be issued unless sewer capacity is confirmed to be available and reserved for the site in writing by said commissioner.
2. (Clarification of Item 6) All storm water detention facilities shall be constructed to replicate the existing storm water detention (bog) and landscaped similarly.
3. (Correction of Item 9) Owners of single-family homes adjacent to property may upgrade fencing along common property lines at their expense. All fencing design changes must be approved by Canterbury Court..
4. (Clarification of Item 3) Total height of any pergola erected on rooftop deck/patio shall not exceed 35' above ground level.
5. Roof top decks/patios of parking facilities will have tree planters with appropriate plant materials to improve the view from the adjoining properties.
6. These conditions of zoning shall be binding upon all successors and assigns of the applicant. The subdivision, sale, or partition of all or any part of this property shall not alter the obligation of all owners of the property to comply with these conditions of zoning.
7. Canterbury Court shall provide the BCNA Zoning Committee or its designee with a copy of the final building design drawings. Within 7 days of the receipt of such drawings, the BCNA Zoning Committee or designee shall provide Canterbury Court with written comments on the final building design. Canterbury Court shall review the written comments by the BCNA Zoning Committee or its designee.
8. All of these narrative conditions will be attached to the final site plan filed with the City of Atlanta in addition to those conditions noted on the existing site plan recorded November 26, 2002.

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Exhibit B

Page 1 of 1

Legal Description

3714 Peachtree Road/3705 Vermont Road (Tract 1)

All that tract or parcel of land lying and being in Land Lot 10 of the 17th District of Fulton County, Georgia, being part of Lots 5 and 6 of the Subdivision of the Point Peachtree Co. Property as per plat thereof recorded in Plat Book 8, page 94, Fulton County, Georgia Records, and being more particularly described as follows:

BEGINNING at the corner formed by the intersection of the northwesterly side of Peachtree Road with the northeasterly side of Vermont Road, and running thence in a northwesterly direction along the northeasterly side of Vermont Road, 299 feet to the southerly line of property now or formerly owned by T. R. Garlington; thence in a northeasterly direction along the southerly line of said property now or formerly owned by T. R. Garlington, 195.2 feet to the westerly line of Lot 7 of said; thence in a southeasterly direction along the westerly line of said Lot 7, 284.6 feet to the northwesterly side of Peachtree Road; thence in a southwesterly direction along the northwesterly side of Peachtree Road, 200 feet to the point of beginning; being improved property known as No. 3714 Peachtree Road, N.E. and No. 3705 Vermont Road, N.E., according to the present system of numbering in the City of Atlanta; said property being more particularly shown on Plat of Survey prepared by C. R. Roberts, Registered Engineer, dated March 14, 1962.

(Source: Warranty Deed, Fulton County Records, Book 5125, Page 376)

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Legal Description

3718 – 3730 Peachtree Road (Tract 2)

All that tract or parcel of land, with all improvements located thereon, lying and being in the City of Atlanta in Land Lot 10 of the 17th District of Fulton County, Georgia, being all of Lots 7 and 8 and parts of Lot 9 and 10 as shown on a plat designated "Subdivision of the Point Peachtree Co. Property", made by Knox T. Thomas, Civil Engineer, dated March, 1913 and revised July, 1916, reduced and redrawn by O. F. Kaufman & Bro., July, 1917, recorded in Plat Book 8, page 94, Fulton County Records, and being more particularly described as follows:

BEGINNING at a point on the northwesterly right of way line of Peachtree Road, 1,955 feet easterly and northeasterly, as measured along the northerly and northwesterly right of way line of Peachtree Road and following the curvature thereof, from the corner formed by the northerly right of way line of Peachtree Road and the east right of way of Peachtree-Dunwoody Road, formerly known and shown on said plat as Dunwoody Road, which point of beginning is also 200 feet northeasterly, as measured along the northwesterly right of way line of Peachtree Road, from the corner formed by the northwesterly right of way line of Peachtree Road and the northeasterly right of way line of Vermont Road, and which point of beginning is also at the most easterly corner of Lot 6 as shown on said plat; thence running north 67 degrees 45 minutes 20 seconds east along the northwesterly right-of-way line of Peachtree Road, 265 feet to an iron pin, which iron pin is located at the southwestern corner of property conveyed to Arthur C. Akin by Warranty Deed recorded in Deed Book 2591, page 312, Fulton County Records; thence running north 28 degrees 03 minutes 40 seconds west along the southwesterly line of said property so conveyed to Arthur C. Akin, 400 feet to an iron pin at the westernmost corner of said property so conveyed to Arthur C. Akin; thence running north 58 degrees 49 minutes 45 seconds east along the northwestern line of said property as conveyed to Arthur C. Akin, 150 feet to an iron pin at the northeastern corner of said property so conveyed to Arthur C. Akin; thence running north 28 degrees 07 minutes 30 seconds west, 165.46 feet to an iron pin; thence running south 89 degrees 30 minutes 20 seconds west, 364.33 feet to an iron pin located on the northeasterly line of Lot 6 as shown on said plat above referred to; thence running south 20 degrees 52 minutes 05 seconds east along the northeasterly line of said Lot 6, 721 feet to a point on the northwesterly right of way line of Peachtree Road at the point of beginning.

(Source: Warranty Deed, Fulton County Records, Book 5073, Page 186)

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(Do Not Write Above This Line)

AN ORDINANCE Z-02-89
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE
RG-2 (RESIDENTIAL GENERAL-
SECTOR 2) DISTRICT AND THE R-3
(SINGLE-FAMILY RESIDENTIAL)
DISTRICT TO THE RG-3-C
(RESIDENTIAL GENERAL-SECTOR
3-CONDITIONAL) DISTRICT, PROPERTY
LOCATED AT 3714 PEACHTREE ROAD,
N.E./3705 VERMONT ROAD, N.E. AND
3718-3730 (AKA 3724) PEACHTREE
ROAD, N.E. FRONTING 465 FEET ON
THE NORTHWESTERLY SIDE OF
PEACHTREE ROAD BEGINNING AT
THE NORTHEAST CORNER OF
VERMONT ROAD. DEPTH: VARIES;
AREA: 5.53 ACRES; LAND LOT 10,
17TH DISTRICT, FULTON COUNTY,
GEORGIA.

OWNER: WORTH PROPERTIES, LP
APPLICANT: CANTERBURY COURT
BY: T. MICHAEL TENNANT AND
HAROLD BUCKLEY, JR.,
ATTORNEYS

NPU-B COUNCIL DISTRICT 7

As Amended

- ☐ CONSENT REFER
☒ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER

Date Referred 11/8/03

Referred To: ZRB + Zoning

2/3/03 Zoning

First Reading

Committee Zoning
 Date Dec. 14, 2002
 Chair William Stang

Committee <u>Zoning</u>	Committee <u>Zoning</u>
Date <u>JAN. 29 2003</u>	Date <u>FEB. 26 2003</u>
V-Chair <u>Mary Norwood</u>	V-Chair <u>Mary Norwood</u>
Actions Fav, Adv, Held (see rev. side)	Actions Fav, Adv, Held (see rev. side)
Other	Other
Members <u>Charles W. Van</u> <u>William Stang</u> <u>John G. Stang</u> <u>John G. Stang</u>	Members <u>Charles W. Van</u> <u>William Stang</u> <u>John G. Stang</u> <u>John G. Stang</u>
Refer To	Refer To

Committee <u>Zoning</u>	Committee <u>Zoning</u>
Date <u>FEB. 12, 2003</u>	Date <u>FEB. 03 2003</u>
Chair	Chair
Actions Fav, Adv, Held (see rev. side)	Actions Fav, Adv, Held (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd
 Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
 MAR 3 2003
Oliver Muller
 ACTING COUNCIL PRESIDENT PROTEM

CERTIFIED
 MAR 03 2003

Randy Dugan Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
Shirley
 MAR 11 2003
 MAYOR